

**House File 17 - Introduced**

HOUSE FILE 17

BY BODEN

**A BILL FOR**

1 An Act authorizing the parent or guardian of a student enrolled  
2 in a school district to enroll the student in another  
3 attendance center within the same school district in certain  
4 specified circumstances and including effective date  
5 provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 279.77 Intra-district enrollment.

2 1. A parent or guardian of a student enrolled in a school  
3 district may enroll the student in another attendance center  
4 within the same school district that offers classes at the  
5 student's grade level in the manner provided in this section  
6 if the board of directors of the school district reasonably  
7 believes that any employee or contractor of the school  
8 district, or any student enrolled in the school district, has  
9 committed any crime specified under chapter 708 or 709 against  
10 the student.

11 2. a. A parent or guardian shall send notification to the  
12 board of directors of the school district, on forms prescribed  
13 by the department of education, that the parent or guardian  
14 intends to enroll the student in another attendance center  
15 within the same school district that offers classes at the  
16 student's grade level.

17 b. The board of directors of the school district shall  
18 enroll the student in another attendance center within the same  
19 school district unless the attendance center has insufficient  
20 classroom space for the student. The board of directors of a  
21 school district may adopt a policy granting the superintendent  
22 of the school district authority to approve requests submitted  
23 pursuant to this section. If the request is granted, the board  
24 of directors of the school district shall transmit a copy of  
25 the form to the parent or guardian within five days after board  
26 action. The parent or guardian may withdraw the request at any  
27 time prior to the board of directors' action on the request.  
28 A denial of a request by the board of directors is not subject  
29 to appeal.

30 c. Each school district shall adopt a policy that defines  
31 the term "*insufficient classroom space*" for that district.

32 3. A request under this section is for a period of not  
33 less than one year. A student who attends school in another  
34 attendance center pursuant to this section may return to the  
35 original attendance center and enroll at any time, once the

1 parent or guardian has notified the board of directors of  
2 the school district in writing of the decision to enroll the  
3 student in the original attendance center.

4 4. If a request filed under this section is for a student  
5 requiring special education under chapter 256B, the request to  
6 transfer to another attendance center shall only be granted if  
7 all of the following conditions are met:

8 a. The attendance center maintains a special education  
9 instructional program that is appropriate to meet the student's  
10 educational needs and the enrollment of the student in the  
11 attendance center would not cause the size of the class or  
12 caseload in that special education instructional program in the  
13 attendance center to exceed the maximum class size or caseload  
14 established pursuant to rules adopted by the state board of  
15 education.

16 b. If the student would be assigned to a general education  
17 class, there is sufficient classroom space for the general  
18 education class to which the student would be assigned.

19 5. If a student, for whom a request to transfer has been  
20 filed with the board of directors of a school district, has  
21 been suspended or expelled in the school district, the student  
22 shall not be permitted to transfer until the student has been  
23 reinstated. Once the student has been reinstated, however, the  
24 student shall be permitted to transfer in the same manner as if  
25 the student had not been suspended or expelled. If a student,  
26 for whom a request to transfer has been filed with the board  
27 of directors of a school district, is expelled in the school  
28 district, the student shall be permitted to transfer under this  
29 section if the student applies for and is reinstated. However,  
30 if the student applies for reinstatement but is not reinstated  
31 in the school district, the board of directors of the school  
32 district may deny the request to transfer. The decision of  
33 the board of directors of the school district is not subject  
34 to appeal.

35 6. A student who is enrolled in another attendance center

1 within the same school district pursuant to this section is  
2 eligible to participate immediately in varsity interscholastic  
3 athletic contests and athletic competitions as a member of a  
4 team from the receiving attendance center.

5 7. This section shall not be construed to prohibit a  
6 school district from allowing the parent or guardian of a  
7 student enrolled in the school district to enroll the student  
8 in another attendance center within the same school district  
9 that offers classes at the student's grade level pursuant to a  
10 policy adopted by the board of directors of the school district  
11 that allows for transfers for reasons in addition to those  
12 allowed pursuant to this section.

13 8. The state board of education shall adopt rules pursuant  
14 to chapter 17A to administer this section.

15 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate  
16 importance, takes effect upon enactment.

17

EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 This bill authorizes the parent or guardian of a student  
21 enrolled in a school district to enroll the student in another  
22 attendance center within the same school district in certain  
23 specified circumstances.

24 The bill enacts new Code section 279.77, which provides that  
25 a parent or guardian of a student enrolled in a school district  
26 may enroll the student in another attendance center within the  
27 same school district that offers classes at the student's grade  
28 level in the manner provided in new Code section 279.77 if the  
29 board of directors of the school district reasonably believes  
30 that any employee or contractor of the school district, or any  
31 student enrolled in the school district, has committed any  
32 crime specified under Code chapter 708 (assault) or 709 (sexual  
33 abuse) against the student.

34 The bill requires a parent or guardian to send a request  
35 to the board of directors indicating that the parent or

1 guardian intends to enroll the student in another attendance  
2 center within the same school district. Additionally, the  
3 bill requires the board of directors to enroll the student  
4 in another attendance center within the same school district  
5 unless the attendance center has insufficient classroom space  
6 for the student. The bill authorizes the board of directors  
7 to adopt a policy granting the superintendent the authority  
8 to approve these requests. The bill requires the board  
9 of directors to transmit a copy of the form to the parent  
10 or guardian within five days after board action. The bill  
11 authorizes the parent or guardian to withdraw the request  
12 at any time prior to the board of directors' action on the  
13 request.

14 The bill provides that these requests are for a period of  
15 not less than one year. The bill also provides that a student  
16 who attends school in another attendance center pursuant to  
17 new Code section 279.77 may return to the original attendance  
18 center and enroll at any time, once the parent or guardian has  
19 notified the board of directors of the decision to enroll the  
20 student in the original attendance center.

21 The bill provides that, if a request filed pursuant to  
22 new Code section 279.77 is for a student requiring special  
23 education, the request to transfer to another attendance center  
24 shall only be granted if the attendance center maintains a  
25 special education instructional program that is appropriate to  
26 meet the student's educational needs and the enrollment of the  
27 student in the attendance center would not cause the size of  
28 the class or caseload in that special education instructional  
29 program in the attendance center to exceed the maximum class  
30 size or caseload established pursuant to rules adopted by the  
31 state board of education, and, if the student would be assigned  
32 to a general education class, there is sufficient classroom  
33 space for the general education class to which the student  
34 would be assigned.

35 The bill provides that if a student for whom a request to

1 transfer has been filed with the board of directors has been  
2 suspended or expelled in the school district, the student  
3 shall not be permitted to transfer until the student has been  
4 reinstated. The bill also provides that, once the student  
5 has been reinstated, the student is permitted to transfer in  
6 the same manner as if the student had not been suspended or  
7 expelled. The bill establishes that if a student for whom a  
8 request to transfer has been filed with the board of directors  
9 is expelled, the student shall be permitted to transfer if the  
10 student applies for and is reinstated. The bill provides that  
11 if the student applies for reinstatement but is not reinstated  
12 in the school district, the board of directors may deny the  
13 request to transfer.

14 The bill provides that a student who is enrolled in  
15 another attendance center within the same school district  
16 pursuant to new Code section 279.77 is eligible to participate  
17 immediately in varsity interscholastic athletic contests and  
18 athletic competitions as a member of a team from the receiving  
19 attendance center.

20 The bill prohibits new Code section 279.77 from being  
21 construed to prohibit a school district from allowing the  
22 parent or guardian of a student enrolled in the school district  
23 to enroll the student in another attendance center within the  
24 same school district that offers classes at the student's grade  
25 level pursuant to a policy adopted by the board of directors of  
26 the school district that allows for transfers for reasons in  
27 addition to those allowed pursuant to the bill.

28 The bill requires the state board of education to adopt rules  
29 to administer the new Code section. The bill takes effect upon  
30 enactment.